

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-11 are pending in the present application, of which claims 1 and 8-11 are independent.

**OFFICIAL CONSIDERATION OF IDS IS REQUESTED**

On April 1, 2008, an Information Disclosure Statement ("IDS") submitted in the present application. (A copy of the USPTO PAIR report is attached as confirmation of this filing). Official consideration by the USPTO of any reference listed on such forms, and thus the IDS itself, is to be indicated by the Examiner initialing, signing and dating such forms. As of the date of this response, no initialed, signed and dated version(s) of such forms has been made of record; hence, the undersigned infers that the IDS has not yet been considered. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO.

Accordingly, official consideration of the IDS is hereby respectfully requested. Moreover, if any reference of that IDS is cited and relied upon in the rejection of claims in a future Office Action, it is requested that the Action be made non-final.

**ITEM 2: CLAIM REJECTION UNDER 35 U.S.C. §101**

Claims 1, 8 and 11 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that the claimed invention is directed to non-statutory subject matter.

**Independent Claims 1 and 8**

The Examiner indicates, in Item 2 on Page 2 of the Office Action, that claims 1 and 8 are directed to a computer software program and software modules.

However, claims 1 and 8 are directed to a system - - and not to either of a computer software program or software modules.

Thus, claims 1 and 8 are directed to statutory subject matter.

Independent Claim 11

The Examiner indicates, in Item 2 on Page 2 of the Office Action, that claim 11 is directed to a computer software program and software modules.

However, claim 11 (CURRENTLY AMENDED) is directed to a computer-readable storage medium storing a computer program. Hence, claim 11 is directed to statutory subject matter.

In view of the foregoing, the rejection of claims 1, 8 and 11 is submitted to be improper and, accordingly, withdrawal of the rejection is respectfully requested.

**ITEM 3: CLAIM REJECTIONS UNDER 35 U.S.C. §102**

Claims 1,4 and 8-11 are rejected under 35 U.S.C. §102(b) as being anticipated by Patel et al.(7,370,004).

Independent Claim 1

Independent claim 1, as amended, recites, in part, the following:

a provider information storage portion that stores, in a storage, for storing provider area information and provision information for each information provider, the provider area information indicating an area designated by the information provider, and the provision information being to be provided by the information provider; and

an information transmission portion that transmits the provision information of the information provider according to the provider area information to a terminal device of the user according to the user area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information. (Emphasis Added)

The Examiner asserts, in Item 4 on Page 3 of the Office Action, that Patel et al. discloses, in lines 1-20 of the Abstract, an information transmission portion for transmitting the

provision information.

However, Patel et al. fails to disclose the recitations of claim 1 as amended, i.e., "an information transmission portion that transmits the provision information of the information provider according to the provider area information to a terminal device of the user according to the user area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information." (Emphasis Added)

Thus, the recitations of claim 1 as amended are not disclosed in Patel et al. Hence, Patel et al. does not anticipate claim 1.

#### Dependent Claim 4

Claim 4 depends from claim 1. Accordingly, claim 4 has recitations that are not disclosed in Patel et al. Hence, Patel et al. does not anticipate claim 4.

#### Independent Claim 8

Independent claim 8, as amended, recites:

a provider information storage portion that stores, in a storage, provider area information and provision information for each information provider, the provider area information indicating an area designated by the information provider, and the provision information being to be provided by the information provider; and

a notification portion that sends a notification to a terminal device of the user according to the user area information so that the user receives the provision information of the information provider according to the provider area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information; and

an information transmission portion that transmits the provision information of the information provider to the terminal device of the user responding to a request from the user who received

the notification. (Emphasis Added)

However, Patel et al. fails to disclose the recitations in claim 8 as amended, i.e., "a notification portion that sends a notification to a terminal device of the user according to the user area information so that the user receives the provision information of the information provider according to the provider area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information; and an information transmission portion that transmits the provision information of the information provider to the terminal device of the user responding to a request from the user who received the notification." (Emphasis Added)

Thus, the recitations of claim 8 as amended are not disclosed in Patel et al. Hence, Patel et al. does not anticipate claim 8.

#### Independent Claim 9

Independent claim 9 as amended recites the following features:

A server that is connected to an information providing server for providing information of plural information providers in accordance with location information of users via a network, the server comprising:

a user registration portion that receives an application from the user for information delivery so as to register the user as an information delivery destination user;

an information delivery portion that performs delivery of information to the user who is registered as the information delivery destination user;

a delivery status management portion that manages a delivery status of information; and

a delivery status notification portion that notifies the information providing server of the delivery status.

In contrast, Patel et al. fails to disclose the above recitations of claim 9. Hence, Patel et

al. does not anticipate claim 9.

Independent Claim 10

Independent claim 10 as amended recites, in part, the following features:

making a provider information storage portion store, in a storage, provider area information and provision information for each information provider in advance, the provider area information indicating an area designated by the information provider, and the provision information being to be provided by the information provider;

making a user information storage portion store, in the storage, user area information in advance for each user who has a terminal device, the user area information indicating an area designated by the user;

transmitting the provision information of the information provider according to the provider area information to a terminal device of the user according to the user area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information. (Emphasis Added)

However, Patel et al. fails to disclose the recitations of claim 10 as amended, i.e., "transmitting the provision information of the information provider according to the provider area information to a terminal device of the user according to the user area information if it is determined that the area indicated by the provider area information overlaps the area indicated by the user area information." (Emphasis Added)

Thus, claim 10 as amended has recitations that are not disclosed in Patel et al. Hence, Patel et al. does not anticipate claim 10.

Independent Claim 11

Claim 11 is directed to a computer-readable storage medium storing a computer program thereon. The computer program causes a computer to perform the process comprising, in part,

the following recitations:

reading provider area information  
corresponding to provision information to be  
transmitted from a provider information storage portion  
that stores, in a storage, the provider area information  
and the provision information in an interrelated  
manner for each information provider, the provider  
area information indicating an area designated by the  
information provider and the provision information  
being to be provided by the information provider;

reading user area information of a user who is  
a destination of the transmission from a user  
information storage portion that stores, in the storage,  
the user area information for each user, the user area  
information indicating an area designated by the user;  
and

transmitting the provision information  
corresponding to the provider area information to a  
terminal device of the user according to the user area  
information if it is determined that the area indicated  
by the provider area information overlaps the area  
indicated by the user area information. (Emphasis  
Added)

In contrast, Patel et al. fails to disclose the recitations in claim 11 as amended, i.e.,  
"transmitting the provision information corresponding to the provider area information to a  
terminal device of the user according to the user area information if it is determined that the area  
indicated by the provider area information overlaps the area indicated by the user area  
information." (Emphasis Added)

Thus, claim 11 as amended has recitations that are not disclosed in Patel et al. Hence,  
Patel et al. does not anticipate claim 11.

In view of the foregoing discussion, the rejection of claims 1,4 and 8-11 is unsupported  
by the reference. Accordingly, withdrawal of the rejection is respectfully requested.

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**CLAIM REJECTION UNDER 35 U.S.C. §103**

Claims 2,3 and 5-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patel et al.(7,370,004).

Dependent Claims 2,3 and 5-7

Claims 2, 3 and 5-7 depend, either directly or indirectly, from independent claim 1.

The Examiner asserts, in Item 6 on Page 5 of the Office Action, that Patel et al. discloses the invention as in claim 1 above.

However, Patel et al. fails to disclose, at least, the recitations claimed in claim 1, as amended; claims 2, 3 and 5-7 inherit those recitations and thus are not obvious.

In view of the foregoing discussion, the rejection of claims 2,3 and 5-7 is not supported by Patel et al. Accordingly, withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application is considered to be in immediate condition for allowance, and thus, reconsideration and a Notice of Allowance are courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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10/552,150 Information provision brokerage system, information provision brokerage method and computer program 12-10-2008::17:29:10

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.**

### Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
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07-22-2008	FOR	Foreign Reference	PRIOR ART	13
07-22-2008	FOR	Foreign Reference	PRIOR ART	9
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07-22-2008	NPL	NPL Documents	PRIOR ART	2
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07-10-2008	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
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10-07-2005	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
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